

## ELEVENTH DAY.

(Monday, February 2, 1931.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and the following members were present:

Mr. Speaker.	Hefley.
Adams of Harris.	Herzik.
Adamson.	Hill.
Adkins.	Hines.
Akin.	Holder.
Albritton.	Holland.
Alsup.	Hoskins.
Baker.	Howsley.
Barron.	Hubbard.
Beck.	Hughes.
Bedford.	Jackson.
Bond.	Johnson
Bounds.	of Dallam.
Boyd.	Johnson
Brice.	of Dimmit.
Brooks.	Johnson of Morris.
Bryant.	Jones of Shelby.
Burns	Justiss.
of McCulloch.	Keller.
Carpenter.	Kennedy.
Caven.	Lasseter.
Claunch.	Lee.
Coltrin.	Lemens.
Coombes.	Lilley.
Cox of Lamar.	Lockhart.
Cox of Limestone.	Long.
Cunningham.	McCombs.
Dale.	McDougald.
Daniel.	McGill.
Davis.	McGregor.
Donnell.	Magee.
Dowell.	Mathis.
Dunlap.	Mehl.
Dwyer.	Metcalfe.
Elliott.	Moffett.
Engelhard.	Moore.
Farmer.	Morse.
Farrar.	Munson.
Ferguson.	Murphy.
Finn.	Nicholson.
Fisher.	Olsen.
Forbes.	O'Quinn.
Ford.	Patterson.
Fuchs.	Petsch.
Gilbert.	Ramsey.
Giles.	Ratliff.
Goodman.	Ray.
Graves.	Reader.
Greathouse.	Richardson.
Grogan.	Rogers.
Hanson.	Rountree.
Hardy.	Sanders.
Harrison	Satterwhite.
of El Paso.	Savage.
Harrison	Scott.
of Waller.	Shelton.
Hatchitt.	Sherrill.

Smith of Bastrop.	Turner.
Smith of Wood.	Van Zandt.
Sparkman.	Vaughan.
Stephens.	Veatch.
Stevenson.	Wagstaff.
Steward.	Walker.
Strong.	Warwick.
Sullivant.	Weinert.
Tarwater.	West of Coryell.
Terrell	Westbrook.
of Cherokee.	Wiggs.
Terrell	Wyatt.
of Val Verde.	Young.
Towery.	

Absent.

Dodd.	Laird.
Harman.	Pope.

Absent—Excused.

Adams of Jasper.	Holloway.
Anderson.	Jones of Atascosa.
Bradley.	Kayton.
Burns of Walker.	Leonard.
DeWolfe.	Martin.
Duvall.	West of Cameron.

A quorum was announced present.

Prayer was offered by the Rev. John W. Holt, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Adams of Jasper for today, on motion of Mr. Ramsey.

Mr. DeWolfe for today, on motion of Mr. Boyd.

Mr. Leonard for today, on motion of Mr. Terrell of Val Verde.

Mr. Duvall for today, on motion of Mr. Claunch.

Mr. Burns of Walker for today, on motion of Mr. Stevenson.

Mr. Kayton for today, on motion of Mr. Hardy.

Mr. Holloway for today, on motion of Mr. Lasseter.

Mr. West of Cameron for this morning, on motion of Mr. Moffett.

Mr. Martin and Mr. Anderson for today, on motion of Mr. Dwyer.

Mr. Jones of Atascosa for today, on motion of Mr. Wyatt.

The following member was granted leave of absence on account of illness:

Mr. Bradley for today and the balance of the week, on motion of Mr. Morse.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Duvall:

H. B. No. 272, A bill to be entitled "An Act providing for the examination and certification of dental hygienists, and regulating the practice of dental hygiene, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Laird:

H. B. No. 273, A bill to be entitled "An Act prohibiting the sale of, offering for sale, or the possession for the purposes of sale in Angelina, Tyler, Newton, Jasper and Hardin counties any fish taken from the waters of the Sabine, Attoyac, Angelina or Neches rivers, and all tributaries thereof, as well as from the lakes and sloughs through which the flood waters of any such streams may flow, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Laird:

H. B. No. 274, A bill to be entitled "An Act amending Section 8 of Chapter 177 of the General Laws of the Regular Session of the Thirty-ninth Legislature, as amended by Chapter 35 of the General Laws of the Fortieth Legislature, and by Chapter 68 of the General Laws of the First Called Session of the Forty-first Legislature, providing that it shall be lawful to kill, take and have in possession certain fur-bearing animals, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Carpenter and Mr. Jones of Atascosa:

H. B. No. 275, A bill to be entitled "An Act to amend Title 17, Chapter 1, of the Penal Code of the State of Texas, 1925, by amending Article 1316 of said chapter, redefining the offense of attempt at arson, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Magee and others:

H. B. No. 276, A bill to be entitled "An Act amending Chapter 208, page 449 of the Acts of the Regular Session of the Forty-first Legislature, providing for the open season on squirrels in certain counties."

Referred to Committee on Game and Fisheries.

By Mr. Young:

H. B. No. 277, A bill to be entitled "An Act to amend Article 5440 of the Revised Civil Statutes of the State of Texas, adopted in 1925, authorizing the appointment of a State Librarian, defining the qualifications and duties; prescribing the compensation thereof; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Young:

H. B. No. 278, A bill to be entitled "An Act providing for an open season of four days on prairie chicken except in certain counties; providing for a penalty for violation of this act; providing that all laws and parts of laws in conflict herewith shall be subject to the terms of this act, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Adams of Jasper, Mr. McDougald and Mr. Jones of Shelby:

H. B. No. 279, A bill to be entitled "An Act amending Article 287 of the Penal Code of the State of Texas of 1925, as amended by Chapter 139 of the General Laws of the Regular Session of the Thirty-ninth Legislature, so as to repeal that portion of the State law prohibiting the operation of moving picture shows and theatres on Sunday in this State in any incorporated city or town after one p. m., etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Kennedy and Mr. Harman:

H. B. No. 280, A bill to be entitled "An Act providing a more efficient road law for Falls county, Texas, authorizing the commissioners court of Falls county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for

road and bridge purposes prior to February 1, 1931, etc., and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Holder:

H. B. No. 281, A bill to be entitled "An Act providing for the employment of county supervisors of rural schools; exempting counties making provision for the employment of supervisors from the provisions of the institute law; making provision for the payment of the salaries and expenses of supervisors; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Holder:

H. B. No. 282, A bill to be entitled "An Act to provide for the appointment of the county superintendent of schools; to fix the qualifications and term of office of said county superintendent; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Hatchitt:

H. B. No. 283, A bill to be entitled "An Act to forbid party nominations for public office by minorities; to require an oath of office by every party official and representative, and prescribing the oath to be so taken; to make it a misdemeanor for any party official or convention delegate to take any action contrary to the known will of the majority represented by him unless authorized by two-thirds of the convention in which such action is taken, and providing penalties; to define the terms 'local office' and 'general office,' etc., and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Elliott:

H. B. No. 284, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in each county in Texas having a population of not less than 13,388 nor more than 13,393 according to the Federal Census of 1930; providing for office assistants and salaries; providing for office expenses; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Reader, Mr. Finn and Mr. Bounds:

H. B. No. 285, A bill to be entitled "An Act providing for the repairing and renovation of the State Capitol, creating a board for such purpose, making an appropriation therefor, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. McDougald:

H. B. No. 286, A bill to be entitled "An Act to allow office and traveling expenses of the superintendents of public instruction in each county in Texas having a population of not less than 15,145 nor more than 15,155 according to the Federal Census of 1930; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Burns of McCulloch:

H. B. No. 287, A bill to be entitled "An Act to provide for certificates to be issued by the collector of taxes of the State or of any political subdivision in the State showing payment of taxes, and that same shall be conclusive evidence of such payment as against the tax collector and his bondsmen; and providing for a fee for each certificate, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Jones of Atascosa:

H. B. No. 288, A bill to be entitled "An Act authorizing county boards of school trustees, in certain counties of Texas, to employ rural school supervisors in lieu of holding teachers' institutes; defining their duties, and fixing their compensation."

Referred to Committee on Education.

By Mr. Rogers and Mr. Vaughan:

H. B. No. 289, A bill to be entitled "An Act providing for the taking of fish from the fresh waters of Hunt county, Texas, and making it unlawful to take any such fish except by ordinary hook and line or by seine or net, the mesh of which is less than one and one-half inch square; providing that seines and nets may be used only during July, August and September; and making it unlawful to take or possess any such fish for the purpose of sale, or to retain any bass or

trout less than eight inches in length or any white perch or crappie weighing less than one-half pound; fixing penalty, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Warwick:

H. B. No. 290, A bill to be entitled "An Act providing for the payment of expenses of trial by jury in civil cases by the counties in which said cases are filed, except when such cases are transferred upon pleas of privilege."

Referred to Committee on Judiciary.

By Mr. Barron and Mr. Burns of McCulloch:

H. B. No. 291, A bill to be entitled "An Act to provide for the perpetuation of the testimony of witnesses who have testified in person on any trial of a civil suit in this State; providing the manner of perpetuating such testimony by deposition; providing what testimony shall be admissible and the manner in which the same may be used as evidence on a subsequent trial of the same suit; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Kennedy:

H. B. No. 292, A bill to be entitled "An Act to amend Article 4005, of Title 66, Revised Civil Statutes of 1925, so as to prevent the giving of free passes and hauling property free by bus companies regardless of whether such transportation lines are incorporated or individually owned; and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

Referred to Committee on Common Carriers.

By Mr. Davis and Mr. Burns of Walker:

H. B. No. 293, A bill to be entitled "An Act providing that the salaries and actual and necessary expenses of all official shorthand reporters and deputy official shorthand reporters of the district courts of the State of Texas, shall hereafter be paid by the State of Texas; further providing that all stenographers' fees taxed and collected as costs in civil cases in the district courts shall be paid by the clerks of said courts into the State

Treasury; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Warwick:

H. B. No. 294, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the latter being House bill No. 120, passed by the First Called Session of the Forty-first Legislature, and further amended in Chapter 8 of the Acts of the Third Called Session of the Forty-first Legislature, Senate bill No. 22, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said article the counties of Carson and Oldham, and declaring an emergency."

Referred to Committee on Live Stock and Stock Raising.

By Mr. Savage:

H. B. No. 295, A bill to be entitled "An Act amending Article 4442, Revised Statutes, 1925, of the State of Texas, by adding to said article Section No. 5, so as to provide that when a keeper, manager or owner of an institution defined in said article shall operate same without a license or sell or traffic in babies or permit the use of said institution for purposes other than provided in their license, they may be enjoined in a suit filed by the Attorney General, district or county attorney, or any citizen, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Farmer, Mr. Alsup, and Mr. Dodd:

H. B. No. 296, A bill to be entitled "An Act to amend Section 5 of Chapter 88 of the Acts of the Second Called Session of the Forty-first Legislature relating to the licensing of motorcycles and passenger motor vehicles; providing a license fee of only two dollars (\$2.00) flat on passenger motor vehicles, that more cars may

be sold, and the oil industry encouraged, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Tarwater, Mr. Petsch, and Mr. Giles:

H. B. No. 297, A bill to be entitled "An Act defining unfair discrimination and prohibiting any person, firm, company, association or corporation engaged in the business of buying poultry, eggs, milk, cream, and/or butter fat, for the purpose of manufacture, or sale thereof, from discriminating between different localities, communities, or cities of this State by purchasing any such commodity at a higher price or rate in one locality than is paid for the same commodity by said person, firm, company, association or corporation, in any other locality, after making due allowance for the difference, if any, in the actual cost of transportation from the locality of purchase to the locality where such purchaser concentrates his purchases for manufacture and/or sale thereof, etc., and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Holland:

H. B. No. 298, A bill to be entitled "An Act repealing Articles 3567 and 3568, Revised Civil Statutes of Texas of 1925 and amending Article 3569, Revised Civil Statutes of Texas of 1925 so as to provide that when an application is filed for the sale of real estate by an executor or administrator, the clerk shall call it to the attention of the judge; that when the same has remained on file for five days, the court may hear and consider the same and enter such order as he deems best, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Holland:

H. B. No. 299, A bill to be entitled "An Act to provide that when the guardian is cited for removal upon the court's own motion, service of citation may be had upon such guardian by registered letter, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. McDougald:

H. B. No. 300, A bill to be entitled "An Act to amend Section 10 and Section 13 of Chapter 27 of the Acts

of the Thirty-sixth Legislature, page 36, said chapter being an act to amend an act of the Thirty-fourth Legislature, creating the County Court of Jefferson County at Law; amending Section 10 with reference to the clerk of said court, and providing for a deputy clerk for said court; providing for the manner and method of appointing such clerk, and the compensation to be paid such clerk, and providing for the appointment of an official shorthand reporter for such court, etc., and declaring an emergency."

Referred to Committee on Counties.

By Mr. Holland:

H. B. No. 301, A bill to be entitled "An Act to provide that when an executor or administrator is cited for removal upon the court's own motion, service of citation may be had upon such executor or administrator by registered letter, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Long, Mr. Graves, Mr. Holder and Mr. Petsch:

H. B. No. 302, A bill to be entitled "An Act to amend Article 6008 of the Revised Civil Statutes, 1925, and Article 6014, Revised Civil Statutes, 1925, as amended by Chapter 313, General Laws, passed by the Regular Session of the Forty-first Legislature, so as to remove conflicts from the conservation statutes and more adequately provide for the conservation of oil and gas in the State of Texas; defining the term 'waste'; authorizing the Railroad Commission of Texas to stop and prevent the waste of oil and gas and to promote the conservation thereof, etc., and declaring an emergency."

Referred to Committee on Oil, Gas and Mining.

By Mr. Long, Mr. Graves, Mr. McCombs, Mr. Hardy and Mr. Walker:

H. B. No. 303, A bill to be entitled "An Act to amend Article 2021 of the Revised Civil Statutes of Texas, 1925, so as to provide that all citations and notices mentioned in Chapter III of Title 42 of the Revised Civil Statutes of Texas, shall contain the requisites prescribed in Title 42 of the Revised Civil Statutes of Texas, 1925, and provided further that all such requisites prescribed in said Title 42 of the Revised Civil Statutes of Texas, 1925, as to the requisites,

issuance, service, and return of citations shall be directory and not mandatory."

Referred to Committee on Judiciary.

By Mr. Long, Mr. Graves, Mr. McCombs, Mr. Hardy and Mr. Walker:

H. B. No. 304, A bill to be entitled "An Act providing no motion, suit, action, defense, or appeal of any party to a suit shall hereafter ever be sustained or maintained in any of the trial or appellate courts of this State on account of any defective citation, or defective issuance, or service, or return of same, unless such motion, suit, action, defense, or appeal is duly verified, showing: That such defect materially affected his rights to maintain his defense or action; and that such defect prevented him from timely presenting his defense or action, etc., and declaring an emergency."

Referred to Committee on Judiciary.

By Mrs. Hughes and Mr. Johnson of Dimmit:

H. B. No. 305, A bill to be entitled "An Act to repeal Article 6605 of Revised Civil Statutes of Texas of 1925, and to repeal Article 6608 of Revised Civil Statutes of Texas of 1925, and to amend Article 1300 of Revised Civil Statutes of Texas of 1925, so as to eliminate the necessity of the wife's separate acknowledgment and the other requirements of Articles 6605 and 6608 herein repealed in the conveyance of homestead, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Petsch, Mr. Graves, Mr. Hubbard and Mr. Greathouse:

H. B. No. 306, A bill to be entitled "An Act creating a public utilities commission, providing for the appointment of commissioners, defining their powers and duties, fixing their salaries and terms of office, authorizing the employment of attorneys and other assistants by the commission and providing for their salaries, providing for reports by the commission, providing for reports, data and statistics to be furnished by the commission to municipalities, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. McGill:

H. B. No. 307, A bill to be entitled "An Act to amend Article 7210 of the Revised Civil Statutes of Texas, 1925, pertaining to the duties of the assessor of taxes, so that the same shall provide that the assessor shall use and follow the forms prescribed by the Comptroller; authorizing the Comptroller to formulate and prescribe rules and regulations, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Keller:

H. B. No. 308, A bill to be entitled "An Act making it an offense to rent, traffic in or dispose of towels, aprons, uniforms and coats, or either, which have been marked or identified as provided herein; providing for registration of such marks and brands; providing a penalty; providing for method of proof in violation; making same cumulative of Title 23 of 1925 Revised Civil Statutes of the State of Texas; providing things incidental and necessary, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mrs. Moore:

H. B. No. 309, A bill to be entitled "An Act to provide for the securing of a site for, and for the establishment, location and construction of, a State hospital for insane, to be known as the West Texas State Hospital for the care, treatment and support of insane persons, and making an appropriation therefor, and declaring an emergency."

Referred to Committee on State Eleemosynary and Reformatory Institutions.

By Mr. Lockhart:

H. B. No. 310, A bill to be entitled "An Act to amend Article 1728 of Chapter 3 of Title 37 of the Revised Civil Statutes of Texas of 1925, relating to and better defining and fixing the appellate jurisdiction of the Supreme Court of Texas, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Morse, Mr. Beck and Mr. McCombs:

H. B. No. 311, A bill to be entitled "An Act to validate assessment ordinances and to validate the lien attempted to be created thereby in cities

in the State of Texas having a population of more than one hundred thousand (100,000) according to the last preceding United States census, where State, county and Federal governments have contributed to the cost of improvements, and validating all actions, ordinances and proceedings taken, repealing all laws or parts of laws in conflict herewith, and providing that if a portion of this act shall be declared unconstitutional the remainder shall not be affected thereby, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Petsch, Mr. Johnson of Dimmit, Mr. Davis and Mr. Weinert:

H. B. No. 312, A bill to be entitled "An Act requiring the commissioners court of all counties and the governing bodies of all cities and towns to advertise for bids on projects respecting public improvements where the contract or agreement involves an expenditure of money in excess of one thousand dollars, and providing for advertisement and notice thereof, providing that the contract shall be let to the lowest bidder and requiring bond; permitting certain exceptions and providing that contracts made without compliance therewith shall be void, etc., and declaring an emergency."

Referred to Committee on Counties.

By Mr. Lasseter, Mr. Jones and Mr. Alsop:

H. B. No. 313, A bill to be entitled "An Act to reorganize the Fourth Judicial District of Texas, to be constituted of Rusk county, Texas, only and to provide for the terms thereof, and to create the One Hundred and Twenty-third District of Texas, to be composed of the counties of Panola and Shelby, and to provide for the terms thereof; and to provide that the judge and clerk of the Fourth Judicial District shall continue to serve in said district and the period thereof, etc., and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. McGill (by request):

H. B. No. 314, A bill to be entitled "An Act making an appropriation for the benefit of independent and common school districts in the State, which maintain day schools for the blind."

Referred to Committee on Education.

By Mr. McGill (by request):

H. B. No. 315, A bill to be entitled "An Act to provide for liens in favor of hospitals and other charitable institutions furnishing care, treatment and other maintenance of persons injured in accidents; treating or caring for such injured persons upon the rights of action, claims or demands of such injured persons against other persons or corporations for damages on account of negligence causing the injuries and upon the proceeds of the settlement of any such claim or demands."

Referred to Committee on Judiciary.

By Mr. Johnson of Dimmit, Mr. Stevenson, Mr. Adams of Jasper, Mr. West of Coryell and Mr. Harrison of Waller et al.:

H. B. No. 316, A bill to be entitled "An Act amending Articles 8291 and 8292, Title 129, of the Revised Civil Statutes of Texas, 1925, so as to provide that where a testator having a child or children leaves a surviving wife, who is the mother of all of his said children, and the principal beneficiary in said last will and testament to the entire exclusion of all of his children, that said Articles 8291 and 8292 shall not apply, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Gilbert and Mr. Cunningham:

H. B. No. 317, A bill to be entitled "An Act repealing Chapter 46 of the General Laws of the Second Called Session of the Forty-first Legislature, being Senate bill No. 31, relating to the appointment of a receiver for incorporated cities and towns which had defaulted in the payment of bonds or other obligations, lawfully issued, and prescribing the duties and powers of such receiver."

Referred to Committee on Municipal and Private Corporations.

By Mr. Cox of Lamar:

H. B. No. 318, A bill to be entitled "An Act regulating and restricting the appointive power of heads of State departments and institutions and of the employes of such departments and institutions; also restricting and regulating the appointive power in the Legislature; prescribing the duty of the Comptroller of

Public Accounts in issuing warrants; repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Hill and Mr. Johnson of Dimmit:

H. B. No. 319, A bill to be entitled "An Act to amend Article 1977 of Revised Civil Statutes of Texas of 1925 so as to provide the requisites of pleadings of the plaintiff and the filing of amended and/or supplemental pleadings in cases against non-residents, transient persons, and persons whose whereabouts are unknown, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Holder (by request):

H. B. No. 320, A bill to be entitled "An Act to define the term scholastic as used in Section 5, Article VII, of the Constitution of the State of Texas, relating to the population on which to base the apportionment of the State and county available school funds; to prescribe the limits of age and residence of those pupils entitled to the benefits of the public free schools; to require the State Superintendent to make such rules and regulations, subject to the approval of the State Board of Education, as may be necessary to carry out the provisions of this act, and declaring an emergency."

Referred to Committee on Education.

By Mr. McGregor:

H. B. No. 321, A bill to be entitled "An Act amending Article 909 of the Penal Code of the State of Texas, and adding thereto, in reference to storage of wild game birds, wild fowls and wild game animals; providing that wild game birds, wild fowl and wild game animals may be placed on storage; providing the time when they may be placed on storage, etc., and declaring an emergency."

Referred to Committee on Game and Fisheries.

#### HOUSE JOINT RESOLUTIONS ON FIRST READING.

The following House joint resolutions were laid before the House, read severally first time, and referred to the Committee on Constitutional Amendments, as follows:

By Mr. Donnell:

H. J. R. No. 10, Proposing to amend Section 11, Article 16, of the Constitution of the State of Texas so as to fix the rate of interest which may be lawfully exacted in this State by simple contract, contracts secured by lien on real or personal property, and providing for a lawful rate; declaring the consequences of contracting for, or exacting directly or indirectly, or by any subterfuge, interest in excess of the lawful rate; making an appropriation.

By Mr. Adkins and Mr. Barron:

H. J. R. No. 11, Proposing to amend the Constitution of the State of Texas so as to provide that the Legislature may determine by law the amount of the principal or interest that must be paid the former owner to enable him to redeem land which has been sold for the satisfaction of delinquent taxes.

By Mr. Adkins et al.:

H. J. R. No. 12, Proposing to amend the Constitution of the State of Texas so as to provide that the Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State or to any county or defined subdivision thereof, or other municipal corporation therein, except delinquent taxes which have been due for a period of at least four years.

#### INVITING HON. MELVIN A. TRAYLOR TO ADDRESS THE LEGISLATURE.

Mr. Stevenson offered the following resolution:

H. C. R. No. 19, Inviting Hon. Melvin A. Traylor to address the Legislature.

Whereas, Honorable Melvin A. Traylor, president of the First National Bank of Chicago, is now in the State of Texas; and

Whereas, Mr. Traylor was formerly a citizen of Texas, having practiced law in Hillsboro, engaged in the banking business at Malone and Balinger, and was an active, public-spirited citizen of prominence throughout the State; and when called to larger fields of usefulness and service his progress has been onward and upward by rapid stages to his present eminent position; and

Whereas, Mr. Traylor is recognized throughout the world as one of the leaders of this nation in both finance and industry, and honored by his associates with many positions of trust and authority, including the presidency of the American Bankers Association, and was recently appointed by President Hoover to a position of world-wide prominence in financial matters, being one of the two men selected to represent the United States in the International Bank; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That Mr. Traylor be invited to address a joint session of the House and Senate, in the Hall of the House, this evening at 8 o'clock p. m.

Signed—Stevenson, Sparkman.

The resolution was read second time and was adopted.

#### INVITATION FROM MRS. ROSS STERLING.

The Speaker laid before the House and had read the following invitation:

Executive Mansion,  
Austin, Texas.

Members of the House:

You and your ladies are invited to call, informally, at the Mansion on Tuesday, February tenth, nineteen hundred thirty-one, from eight to ten p. m.

On motion of Mr. Morse, the House accepted the invitation.

#### RELATIVE TO TARIFF ON JUTE.

Mr. Weinert offered the following resolution:

H. C. R. No. 18, Relative to tariff on jute.

Whereas, The cotton farmers of Texas are in a deplorable financial condition due to many hazards which have destroyed the benefits to which they are so justly entitled; and

Whereas, One hazard in particular, towit, the use of jute as covering for bales of cotton and other purposes is largely responsible for the low price of that product; and

Whereas, A reasonable increase in tariff on the importation of jute will exclude it as a competitor of low-grade cotton as covering for bales of cotton and other purposes, thus increasing home consumption of cotton

to the extent of approximately 2,000,000 bales annually, thereby reducing "surplus" production and the "carry-over" to this extent; and

Whereas, The substitution of cotton for jute as an economical covering for bales of cotton will eventually abolish the present wasteful method of sampling cotton, thereby eliminating what is known as the "city crop," which constitutes a loss of approximately ten pounds per bale annually; and

Whereas, When cotton is used in place of jute as a covering for bales of cotton, a standard pattern will be prescribed as to weight and character, thus bringing about an adjustment of present arbitrary tare regulations which are causing producers to lose from ten to fifteen pounds on each and every bale of cotton annually produced in the South; and

Whereas, The substitution of cotton for jute as a covering for bales of cotton will lead to a standard of selling cotton at net weight, and at the same time prevent the weight of tare (bagging and ties) from being counted as actual cotton by official statisticians, who, by so doing, overestimate annual net production by approximately 600,000 bales; and

Whereas, The countries from which jute is imported into the United States do not buy American cotton, therefore the cotton producers and the consumers of this country should not be forced by tariff or other regulations to buy jute, when the use of cotton as a substitute is more economical and will serve the purpose better. Be it, therefore,

Resolved by the House of Representatives of the State of Texas, the Senate concurring:

First, That the United States Senators and members of Congress from Texas be and they are hereby petitioned and urged to use their best efforts to have the Congress of the United States to place such a tariff upon the importation of jute into the United States as will prevent it from longer being a competitor of low-grade cotton as a substitute for any and all articles now being manufactured from jute.

Second, That the Representatives of the State of Texas in the Senate and Congress of the United States be and they are hereby earnestly requested to join with the Representatives in Congress from all the cotton growing States of the South, and

to co-operate with them in a determined, united movement to place such a tariff on the importation of jute as will put an end to its use as a covering for bales of cotton and its other uses that bring it in competition with the use of low-grade cotton; and

Third, That the Chief Clerk of the House forward a certified copy of this resolution to the Governor of each of the cotton-growing States of the South, and that they each be and are hereby respectfully petitioned to join with Texas in this movement for the protection of the cotton growers of this country.

Signed—Weinert, Fuchs, Westbrook, Herzik, Tarwater, Ray, Albritton, Veatch, Lee, Engelhard, Giles, Terrell of Cherokee.

The resolution was read second time and was referred by the Speaker to the Committee on Agriculture.

#### PROVIDING FOR PRE-SESSION PAY FOR CERTAIN EM- PLOYES.

The Speaker laid before the House, for consideration at this time, resolution heretofore offered by Mr. Morse providing for pre-session pay for certain employes, the resolution having been read second time and referred to the Committee on Contingent Expenses, and the committee having reported the resolution favorably.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

#### Yeas—99.

Adams of Harris.	Dale.
Adamson.	Daniel.
Adkins.	Davis.
Akin.	Dodd.
Albritton.	Donnell.
Alsup.	Dunlap.
Beck.	Dwyer.
Bedford.	Elliott.
Bond.	Farrar.
Bounds.	Ferguson.
Boyd.	Finn.
Brooks.	Fisher.
Burns	Forbes.
of McCulloch.	Ford.
Claunch.	Fuchs.
Coltrin.	Gilbert.
Coombes.	Giles.
Cox of Lamar.	Graves.
Cox of Limestone.	Grogan.
Cunningham.	Hanson.

Hardy.	Munson.
Harrison	O'Quinn.
of El Paso.	Petsch.
Harrison	Ratliff.
of Waller.	Ray.
Hatchitt.	Richardson.
Herzik.	Rogers.
Hill.	Rountree.
Hines.	Sanders.
Holland.	Satterwhite.
Howsley.	Savage.
Hughes.	Scott.
Jackson.	Shelton.
Johnson	Smith of Bastrop.
of Dimmit.	Sparkman.
Johnson of Morris.	Stevenson.
Jones of Shelby.	Steward.
Justiss.	Strong.
Keller.	Sullivant.
Lasseter.	Tarwater.
Lee.	Terrell
Lilley.	of Val Verde.
Lockhart.	Towery.
Long.	Turner.
McCombs.	Van Zandt.
McGill.	Wagstaff.
McGregor.	Walker.
Magee.	Warwick.
Mathis.	Weinert.
Mehl.	West of Coryell.
Moffett.	Wyatt.
Morse.	Young.

#### Nays—11.

Baker.	Sherrill.
Carpenter.	Smith of Wood.
Engelhard.	Terrell
Farmer.	of Cherokee.
Greathouse.	Vaughan.
Kennedy.	Veatch.

#### Present—Not Voting.

Brice.	Stephens.
Bryant.	Wiggs.
Dowell.	

#### Absent.

Barron.	McDougald.
Caven.	Metcalfe.
Goodman.	Moore.
Harman.	Murphy.
Hefley.	Nicholson.
Holder.	Olsen.
Hoskins.	Patterson.
Hubbard.	Pope.
Johnson	Ramsey.
of Dallam.	Reader.
Laird.	Westbrook.
Lemens.	

#### Absent—Excused.

Adams of Jasper.	Holloway.
Anderson.	Jones of Atascosa.
Bradley.	Kayton.
Burns of Walker.	Leonard.
DeWolfe.	Martin.
Duvall.	West of Cameron.

## Reasons for Votes.

I vote "no" on the payment of this bill because I do not wish to set a precedent by paying bills of an unauthorized nature by the House. It is dangerous to set such a precedent in violation of the Constitution.

FARMER.

I vote "yea" because the Speaker of the House and the Lieutenant Governor in an effort to revise the rules so as to conform to the provisions of the constitutional amendment voted by our people at the general election of November, 1930, so as to have said rules ready for the Forty-second Legislature have made an earnest effort to compile the same and have employed only those capable of performing the work.

GILBERT.

## BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

S. B. No. 19, "An Act to amend Articles 7674, 7677 and 7684, Chapter 2, Title 128, of the Revised Civil Statutes, 1925, as follows: Amend Articles 7674 so as to require that all taxes provided for by this act shall become due and payable on the first day of November of each year, and shall be paid on or before 31st day of January thereafter; provided, that in water improvement districts lying wholly within or partly within a county which by the 1930 United States census contains not less than 74,000 population and not more than 75,000 population, by the payment of one-half of the taxes levied for 1930," etc.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 2, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 97, A bill to be entitled "An Act creating the One Hundred Eighteenth Judicial District of Texas and establishing a new district court within the limits of Bexar county, Texas, and declaring an emergency."

S. B. No. 130, A bill to be entitled "An Act to validate the organization

and creation of all consolidated independent school districts formed through the consolidation of seven common school districts and one independent school district in counties having a population of not less than 9411 and not more than 9412 according to the last Federal census, and declaring an emergency."

Respectfully,

JNO. B. DuPRIEST,

Assistant Secretary of the Senate.

RELATIVE TO APPROPRIATIONS  
MADE BY LEGISLATURE.

Mr. Gilbert offered the following resolution:

Whereas, There is a general demoralized condition now existing among our people, more distressing in some sections than others, incident to business depressions, unemployment, crop failures, drouth conditions, etc., as a result of which condition, the taxpayers of Texas find it more difficult than usual to pay their customary taxes; and

Whereas, The Legislature was compelled to pass a bill permitting the deferred payment of taxes for the year 1930, and it is reasonably certain the State receipts will be materially reduced prior to October 15, 1931, which will probably result in shortened terms of our public schools; and

Whereas, For the above reasons it is imperative that governmental expense be curtailed; and

Whereas, The State is now facing a deficit as of January 1, 1931, of over \$4,000,000, and warrants issued by the State of Texas are not worth par; therefore, be it

Resolved by the House of Representatives, That it is the sense of this body that all appropriations be kept within the revenues of the State, and in order to accomplish this purpose, it is the further sense of this House that no appropriations be made for schools of any character for the summer of 1931, and that such institutions as have formerly conducted summer schools through State aid be asked to not hold summer sessions in 1931.

Signed—Hanson, Weinert, Herzik, Adamson, Barron, Coltrin, Elliott, Gilbert, Sherrill, Hoskins, Dowell, Farrar, Towery.

The resolution was read second time.

Mr. McGregor moved that the resolution be referred to the Committee on Appropriations.

Mr. Weinert moved as a substitute that the resolution be referred to the Committee on State Affairs.

Mr. McGregor raised a point of order on further consideration of the motion by Mr. Weinert on the ground that the rules require that the resolution be referred to the Committee on Appropriations.

The Speaker overruled the point of order.

Question first recurring on the motion by Mr. Weinert, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—73.

Adams of Harris.	Hefley.
Adamson.	Herzik.
Adkins.	Hill.
Akin.	Hines.
Albritton.	Hoskins.
Baker.	Howsley.
Barron.	Jackson.
Beck.	Johnson
Bedford.	of Dimmit.
Bond.	Jones of Shelby.
Bounds.	Justiss.
Boyd.	Lasseter.
Brice.	Lee.
Brooks.	McDougald.
Bryant.	McGill.
Carpenter.	Mathis.
Cox of Limestone.	Mehl.
Cunningham.	Munson.
Dale.	Patterson.
Daniel.	Reader.
Davis.	Richardson.
Donnell.	Rogers.
Elliott.	Savage.
Engelhard.	Scott.
Farmer.	Shelton.
Farrar.	Sherrill.
Ferguson.	Smith of Bastrop.
Fisher.	Smith of Wood.
Fuchs.	Sparkman.
Gilbert.	Stevenson.
Giles.	Terrell
Goodman.	of Val Verde.
Greathouse.	Towery.
Hanson.	Vaughan.
Hardy.	Veatch.
Harrison	Wagstaff.
of Waller.	Weinert.
Hatchitt.	Wiggs.

Nays—48.

Alsup.	Cox of Lamar.
Burns	Dowell.
of McCulloch.	Dwyer.
Caven.	Finn.
Claunch.	Forbes.
Coltrin.	Ford.
Coombes.	Graves.

Grogan.	O'Quinn.
Harrison	Ratliff.
of El Paso.	Rountree.
Holder.	Sanders.
Hughes.	Satterwhite.
Johnson of Morris.	Steward.
Kennedy.	Strong.
Lemens.	Sullivant.
Lilley.	Tarwater.
Lockhart.	Terrell
Long.	of Cherokee.
McCombs.	Turner.
McGregor.	Van Zandt.
Magee.	Walker.
Metcalfe.	Warwick.
Moffett.	West of Coryell.
Moore.	Wyatt.
Morse.	Young.
Murphy.	

Present—Not Voting.

Stephens.

Absent.

Dodd.	Laird.
Dunlap.	Nicholson.
Harman.	Olsen.
Holland.	Petsch.
Hubbard.	Pope.
Johnson	Ramsey.
of Dallam.	Ray.
Keller.	Westbrook.

Absent—Excused.

Adams of Jasper.	Holloway.
Anderson.	Jones of Atascosa.
Bradley.	Kayton.
Burns of Walker.	Leonard.
DeWolfe.	Martin.
Duvall.	West of Cameron.

Question then recurring on the motion as substituted, it was adopted.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 2, 1931.  
Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has read and adopted

H. C. R. No. 19, Inviting Hon. Melvin Traylor to address the Legislature.

Respectfully,  
JNO. B. DuPRIEST,  
Assistant Secretary of the Senate.

#### SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first

time, and referred to the appropriate committees, as follows:

Senate bill No. 130, to the Committee on School Districts.

Senate bill No. 97, to the Committee on Judicial Districts.

#### EMPLOYEES ANNOUNCED.

The Speaker announced the appointment of the following employees:

Elevator boys to serve one-half time: Virgil Fielding and Billy Sanders.

#### RECESS.

On motion of Mr. Morse, the House at 12 o'clock m., took recess to 7:45 o'clock p. m. today.

#### NIGHT SESSION.

The House met at 7:45 o'clock p. m., and was called to order by the Speaker.

#### ADDRESS BY HON. MELVIN TRAYLOR.

(In Joint Session.)

In accordance with a resolution heretofore adopted providing for a joint session of the House and Senate to hear an address by Hon. Melvin Traylor, the Honorable Senate at 8 o'clock p. m., escorted by Bob Barker, Secretary of the Senate, appeared at the bar of the House and, being admitted, were escorted to seats already prepared for them along the aisle.

Hon. Carl Hardin, President Pro Tempore of the Senate, occupied a seat on the Speaker's stand.

Mr. Traylor and party, escorted by Senator Woodul, Mr. Sparkman and Mr. Stevenson, being invited by the Speaker, occupied seats on the Speaker's stand.

Speaker Minor presented Mr. Stevenson, who in turn introduced Hon. Melvin Traylor.

Mr. Traylor then addressed the joint session.

The Senate, at the conclusion of the address, retired to its Chamber.

#### ADJOURNMENT.

On motion of Mr. McGill, the House, at 9:15 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

Judiciary: House bills Nos. 56, 75, 78, 88, 90, 103, 110.

State Affairs: House bill No. 240; Senate bill No. 27.

Criminal Jurisprudence: House bills Nos. 50, 115.

Public Lands and Buildings: House bill No. 124; Senate bill No. 43.

Oil, Gas and Mining: House concurrent resolution No. 13.

Judiciary: House bill No. 43.

Contingent Expenses: Resolution relative to pre-session pay for certain employees.

The following committees have filed adverse reports on bills and resolutions, as follows:

State Affairs: House concurrent resolution No. 5.

Highways and Motor Traffic: House bill No. 236.

Criminal Jurisprudence: House bills Nos. 37, 63, 79.

School Districts: Senate bill No. 30.

Judiciary: House bill No. 49.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, January 30, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 30, A bill to be entitled "An Act amending Article 604 of the 1925 Penal Code of the State of Texas, so as to make it mandatory that the court or judge thereof set down at hearing an allowance for the support of deserted wives and children, providing for incidentals thereto, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,  
Austin, Texas, January 29, 1931.  
Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 126, A bill to be entitled "An Act amending Article 4591 of the 1925 Revised Civil Statutes of the State of Texas, so as to make January 19th, which is the birthday of Robert E. Lee, a legal holiday, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,  
Austin, Texas, January 30, 1931.  
Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 5, A bill to be entitled "An Act amending Section 2, Article 760, of the 1925 Code of Criminal Procedure of the State of Texas, so as to permit the statement of facts in a misdemeanor case to accompany the transcript instead of being copied therein, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,  
Austin, Texas, January 30, 1931.  
Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 140, A bill to be entitled "An Act providing for the trial of insane convicts who are inmates of the Texas prison system; providing for the filing of affidavits of insanity; fixing the venue of such trials, and providing for all the payment of all expenses incident thereto and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,  
Austin, Texas, January 30, 1931.  
Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 70, A bill to be entitled "An Act amending Article 11 of the Code of Criminal Procedure of the State of Texas, as revised in 1925, so as to allow an accused person to waive the right of trial by jury, except in capital cases, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

**In Memory**  
**of**  
**Mrs. Iva Lee Buttrell**

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Mr. Cunningham offered the following resolution:

Whereas, Sorrow has come to the home of our worthy Chaplain, Reverend John W. Holt, in the death of his daughter, Iva Lee Buttrell, at Waco, Texas, January 31, 1931; and

Whereas, We, the members of this body, are brought to grief in the misfortune of our esteemed Chaplain in the breaking of the ranks of his family circle; and

Whereas, We deeply regret the visitation of the death angel into the household of our brother, thereby casting a shadow upon our peaceful union here; therefore, be it

Resolved, That we, the members of the House of Representatives of the State of Texas, extend our sincere and deep sympathy to our Chaplain, Reverend John W. Holt, and his good wife, the mother, and to the husband and children of deceased, and that a copy hereof be spread upon the Journal of the House, and a copy be furnished our worthy Chaplain, and the beloved husband and children of the deceased.

Respectfully submitted,

CUNNINGHAM,  
SPARKMAN,  
GILBERT,  
GRAVES..

The resolution was read second time and was adopted by a rising vote.